

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 11, 2009

- D053186 People v. Gojny**
The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.
- D052994 In re Israel H.**
Affirmed. Haller, J.; We Concur: Benke, Acting P.J., Irion, J.
- D054095 In re E.J., a Juvenile**
The orders are affirmed. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.
- D052300 State of California Department of Transportation v. Horner**
The judgment is affirmed. CalTrans is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.
- D052885 People v. Lopez**
We affirm the judgment. McDonald, J.; We Concur: McConnell, P.J., Nares, J.
- D053341 People v. Morgan**
The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D054987 M.R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorney for petitioner M. R. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.
- D055060 In re Carmen R. on Habeas Corpus**
The petition for writ of habeas corpus In re Carmen P., D055060, will be considered at the same time as the pending appeal, In re Elizabeth P. et al., D054327.
- D055100 Chau v. Superior Court of San Diego County/Chau as Trustee**
The petition for writ of mandate and request for stay have been read and considered by Justices Benke, McDonald and Irion. The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 11, 2009 (Continued)

D051669 Huber et al. v. Jackson et al.

Cause called on merits. Eric C. Sohlgren, Esq. argued for appellant. John Raymond Shiner, Esq. argued for respondent, Huber and etc. Heather Anderson, Esq. argued for respondent, The Episcopal Church. Mr. Sohlgren replied. Cause submitted.

D052587 Silver Creek, LLC et al. v. Blackrock Realty Advisors, Inc.

Cause called on merits. David A. Niddrie, Esq. argued for appellant and submitted additional authorities. John Samuel Gibson, Esq. argued for respondent. Mr. Niddrie replied. Cause submitted.

Court recessed at 9:51 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D053979 A.O. v. Superior Court/People

Matter called on merits. Jo Pastore, Deputy Public Defender, argued for appellant. Marissa Bejarano, Deputy Attorney General, argued for respondent. Ms. Pastore replied. Matter submitted.

Court recessed at 10:16 a.m. until 11:00 a.m.

Court reconvened at 11:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre
Clerk: D. Moore

D053646 City of Poway et al. v. Poway Royal Mobilehome Owners Association

Cause called on merits. James C. Mitchell, Esq. argued for appellant. Ginetta L. Giovinco, Esq. argued for respondent. Cause submitted.

Court recessed at 11:12 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 11, 2009 (Continued)

D052832 People v. Arreguin

Cause called on merits. John L. Staley, Esq. argued for appellant.
Christopher Beesley, Deputy Attorney General, argued for respondent.
Mr. Staley replied. Cause submitted.

D054601 People v. Ryan et al.

Cause called on merits. Judith Kahn, Esq. argued for appellant, Ryan.
Eric Swenson, Deputy Attorney General argued for respondent. Ms. Kahn replied.
Cause submitted.

D052930 People v. Northcutt

D054348 In re Northcutt on Habeas Corpus

Cause called on merits. Charles R. Khoury, Esq. argued for appellant.
Elizabeth Hartwig, Deputy Attorney General, argued for respondent. Mr. Khoury
replied. Cause submitted as to appeal only, D052930.

Court recessed at 2:12 p.m. to change panel members. New panel members:
The Honorable Judith McConnell, Presiding Justice, The Honorable Associate
Justices Gilbert Nares and James McIntyre

D053348 Kaiser v. Simpson et al.

Cause called on merits. Richard R. Leuthold, Esq. argued for appellant.
Charles Moore, Esq. argued for respondent. Cause submitted.

D053492 Sasco Electric v. Fair Employment and Housing Commission

Cause called on merits. Benjamin Johnson, Esq. argued for appellant.
Antonette Benita Cordero, Esq. argued for respondent. Mr. Johnson replied.
Cause submitted.

D052915 Krinsk v. Chiron Corporation

Cause called on merits. Mark L. Knutson, Esq. argued for appellant.
Judson Lobdell, Esq. argued for respondent. Mr. Knutson replied.
Cause submitted.

Court recessed at 3:15 p.m. until Tuesday, May 12, 2009 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 12, 2009

- D054641 In re Marco G., a Juvenile**
The appeal is dismissed. O'Rourke, J.; We Concur: McConnell, P.J., Benke, J.
- D054242 People v. Leon**
The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., Irion, J.
- D054622 In re Paris P., a Juvenile**
The judgment is dismissed. McDonald, J.; We Concur: McConnell, P.J., Haller, J.
- D054624 In re Summer I., a Juvenile**
The appeal is dismissed. Haller, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D055071 In re Consiglio on Habeas Corpus**
The petition is denied.
- D054650 In re F.T. et al., Juveniles**
The appeal is dismissed. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.
- D052756 People v. Lopez**
The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., Aaron, J.
- D053025 In re Marriage of Carson**
The judgment is affirmed. Respondent is awarded costs on appeal.
McConnell, P.J.; We Concur: McDonald, J., Aaron, J.
- D051833 Clymer et al. v. Champagne et al.**
The judgment is affirmed. The Champagnes are entitled to costs on appeal.
McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.
- D052052 People v. Irvin**
The clerk of the superior court is directed to modify the abstract of judgment in accordance with this opinion and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed. Huffman, J.;
We Concur: Benke, Acting P.J., O'Rourke, J.
- D054806 Porto Siena, LLC v. Superior Court of San Diego County/Wischnia**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 12, 2009 (Continued)

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and
The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D052890 CCLJ, LLC et al. v. City of San Diego
Cause called on merits. John Morris, Esq. argued for appellant.
Christine M. Leone, Deputy City Attorney, argued for respondent. Mr. Morris
replied. Cause submitted.

Court recessed at 9:27 a.m. to change panel members. New panel members:
The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable
Associate Justices Judith Haller and Cynthia Aaron

D049216 Riverwatch et al. v. County of San Diego/Gregory Canyon, Ltd.
Cause called on merits. Patrick E. Breen, Esq. argued for appellant.
Everett Leon DeLano, Esq. argued for respondent, Riverwatch.
Walter Edward Rusinek, Esq. argued for respondent, Pala Band of Mission Indians.
Mr. Breen replied. Cause submitted.

D048259 Riverwatch et al. v. County of San Diego/Gregory Canyon, Ltd.
Cause called on merits. Everett Leon DeLano, Esq. argued for appellant,
Riverwatch. Walter Rusinek, Esq. argued for appellant,
Pala Band of Mission Indians. Patrick E. Breen, Esq. argued for respondent,
County of San Diego Department of Environment. Mr. DeLano replied.
Cause submitted.

Court recessed at 10:37 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and
The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D053212 Parker-Montes v. Parker
Cause called on merits. Richard R. Ravreby, Esq. argued for respondent.
Joshua Parker, argued for appellant, in pro per. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 12, 2009 (Continued)

D054121 In re James Alexander on Habeas Corpus

Matter caused on merits. Gregory Marcot, Deputy Attorney General, argued for respondent. Richard Pfeiffer, Esq. argued for respondent. Matter submitted.

Court recessed at 2:06 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D053534 E.M., a Minor, etc. v. Cajon Valley Union School District

Cause called on merits. Bruce Cornblum, Esq. argued for appellant. Paul Carelli, Esq. argued for respondent. Mr. Cornblum replied. Cause submitted.

D053892 Hilbers v. Metropolitan Transit System

Cause called on merits. William C. Mathews, Esq. argued for appellant. Michael E. Ripley, Esq. argued for respondent. Mr. Mathews replied. Cause submitted.

Court recessed at 2:39 p.m. until Wednesday, May 13, 2009 at 9:00 a.m.

D054749 State Farm Mutual Automobile Insurance Company v. Superior Court of San Diego County/Slocum

The petition is denied.

D054808 Intracorp San Diego, LLC v. Superior Court of San Diego County/Porto Siena Owners Association

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
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D054214 People v. Gastelum

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D054594 People v. Trainor

The order is reversed. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

D051166 Leeper-Johnson v. The Prudential Insurance

The award of past economic damages is reversed. In all other respects the judgment is affirmed, as are the orders granting a new trial on the amount of punitive damages and denying Prudential's motion for JNOV. The order awarding Darla her attorney fees is reversed and the matter is remanded for further proceedings in accordance with this opinion. Darla is entitled to her costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D053605 In re Grace P., a Juvenile

The petition for rehearing is denied.

D053672 Ollervides v. Cohen

The request for publication of this opinion is denied.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron
Clerk: D. Moore

D052091 People v. Mena

Cause called on merits. John Patrick Dwyer, Esq. argued for appellant. Susan Miller, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed at 9:13 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

D053574 Negrete v. Donnelly

Cause called on merits. No appearance by appellant's counsel. Parisa Pamela Farokhi, Esq. was present in oral argument for respondent, but submitted on the briefs. Cause submitted.

Court recessed at 9:17 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
May 13, 2009 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre
Clerk: D. Moore

D054279 In re C. B., a Juvenile

Cause called on merits. Donna Kaiser, Esq. argued for appellant. Julie E. Braden, Esq. argued for the minor. Katharine Bird, Deputy County Counsel argued for respondent. Ms. Kaiser replied. Cause submitted.

Court recessed at 1:48 p.m. to change panel members. New panel members:
The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Gilbert Nares

D052982 Finkelstein v. Bastuba et al.

Cause called on merits. Ed Finkelstein argued for appellant in pro per. Robert B. Fessinger, Esq. argued for respondent. Cause submitted.

D053908 Harris v. Metropolitan Transit System et al.

Cause called on merits. Keith Harris, Esq. argued for appellant in pro per. J. Rod Betts, Esq. argued for respondent. Cause submitted.

D052102 Neuman v. Leisher et al.

D052796 Neuman v. Leisher et al.

Cause called on merits. Janine R. Menhennet, Esq. argued for appellant. Ronald H. Blumberg, Esq. argued for appellant. Karin Dougan Vogel, Esq. argued for respondent. Sean C. Coughlin, Esq. argued for Potomac. Margaret M. Mann, Esq. argued for respondent. Mr. Blumberg replied. Mr. Coughlin replied. The court allowed the trustee to file final papers due on or before June 5th. All other parties are allowed until June 12th to respond, if they wish. Case to be submitted once all paperwork has been received.

Court recessed at 2:54 p.m. to change panel members. New panel members:
The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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May 13, 2009 (Continued)

D053353 State Farm General Insurance Company v. Steigerwald-Dougherty, Inc., et al.

D053772 State Farm General Insurance Company v. Sexton Company, Inc.

Cause called on merits. Geordon Michael Goebel, Esq. argued for appellant.

Kara Ann Smith, Esq. argued for respondent, Sexton Company. B. J. Haeck, Esq. argued for respondent, Steigerwald-Dougherty, Inc. Mr. Goebel replied.

Cause submitted.

D053514 Chen v. Ouelette et al.

Cause called on merits. Kuan Yeul Victor Chen, argued for appellant in pro per.

Kevin J. Healy, Esq. argued for respondent, Shields. Andrew Phillip Greenfield, Esq. argued for respondent, Ouelette. Mr. Chen replied. Cause submitted.

Court recessed at 3:36 p.m. until Thursday, May 14, 2009 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 14, 2009

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion
Clerk: D. Moore

D052730 Smith et al. v. Radioshack Corporation

Cause called on merits. Sheldon O. Ostroff, Esq. argued for appellant.
Ross H. Hyslop, Esq. argued for respondent. Mr. Ostroff replied. Cause submitted.

D047681 People v. Millard

D049268 People v. Millard

Cause called on merits. William J. Kopeny, Esq. argued for appellant.
Melissa Mandel, Deputy Attorney General, argued for respondent. Mr. Kopeny replied. Cause submitted.

D053491 Chau et al. v. Starbucks Corporation

Cause called on merits. Rex S. Heinke, Esq. argued for appellant.
David A. Lowe, Esq. argued for respondent. Mr. Heinke replied. Cause submitted.

Court recessed at 10:42 a.m. to change panel members. New panel members:
The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D053390 San Diego City Firefighters, Local 145, IAFF, AFL-CIO et al. v. City of San Diego

Cause called on merits. Walter C. Chung, Esq. argued for appellant.
Joel N. Klevens, Esq. argued for respondent. Mr. Chung replied. Cause submitted.

Court recessed at 11:18 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion
Clerk: D. Moore

D052873 Tesh v. Letourneau

Cause called on merits. Frederick C. Phillips, Esq. argued for appellant.
Robert LeTourneau, argued for respondent in pro per. Mr. Phillips replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 14, 2009 (Continued)

D053214 Kahaunaele et al. v. Tri-City Medical Center et al.

Cause called on merits. Steven S. Kondo, Esq. argued for appellant. Martha L. McGill, Esq. argued for respondent. Mr. Kondo replied. Cause to be submitted at a later date.

Court recessed at 2:00 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion

D053845 In re C.C., a Juvenile

Cause called on merits. Valerie Lankford, Esq. argued for appellant. Michelle Neumann-Ribner, Deputy County Counsel, argued for respondent. William Henry Hook, Esq. argued for the minor. Ms. Lankford replied. Cause submitted.

D053124 People v. Murray

Cause called on merits. Ron Boyer, Esq. argued for appellant. Chandra Appell, Deputy Attorney General, argued for respondent. Mr. Boyer replied. Cause submitted.

D053321 Hazewinkel v. Hazewinkel

Cause called on merits. David Neal Shaver, Esq. argued for appellant. Kendra Hall, Esq. argued for respondent. Mr. Shaver replied. Cause submitted.

Court recessed at 3:21 p.m. until Friday, May 15, 2009 at 9:00 a.m.

D053192 Wright v. Wright

The order is reversed and the matter remanded for redetermination of William's motion for modification of spousal support. The family court is directed to consider the changed circumstances of Donna's actual receipt of retirement income, as well as Williams' expectation that Donna will take reasonable steps to become self-supporting, and her efforts to do so. William shall recover his costs on appeal. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

D052743 Balzaga et al. v. Fox News Networks, LLC

Judgment affirmed. Appellants to pay respondent's costs on appeal. CERTIFIED FOR PUBLICATION. Haller, J.; I Concur: McConnell, P.J., I dissent: Aaron, J.

D052747 Aldana et al. v. Castro et al.

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 14, 2009 (Continued)

D054348 In re Northcutt on Habeas Corpus

Let an order to show cause issue as to why the relief prayed for in the petition should not be granted. The order to show cause is made returnable before the superior court. (Pen. Code, § 1508, subd. (b).) In addition to the briefing previously filed, the People may file a return to the order to show cause on or before June 8, 2009, and the petitioner may file a traverse on or before June 24, 2009. The return and the traverse are to be filed in the superior court, which is directed to hear and determine the matter. (See *People v. Romero* (1994) 8 Cal.4th 728, 740.) The superior court shall inform this court of its determination no later than August 3, 2009.

D052927 Gofat, LLC et al. v. Pilot III

The judgment is modified to award damages to Pilot in the amount of \$25,000. In all other respects, the judgment is affirmed. Pilot to recover his costs on appeal. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 15, 2009

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding, and The Honorable Associate Justices Judith Haller and Cynthia Aaron
Clerk: D. Moore

D053024 Zemer v. Schreiber et al.

Cause called on merits. Michael L. Kirby, Esq. argued for appellant. Charles H. Dick, Esq. argued for respondent. Mr. Kirby replied. Cause to be submitted at a later date.

Court recessed at 9:30 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D052605 People v. Davis

Cause called on merits. David M. McKinney, Esq. argued for appellant. Christine Bergman, Deputy Attorney General argued for respondent. Mr. McKinney replied. Cause submitted.

Court recessed at 9:50 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

D053541 People v. Smoots

Cause called on merits. Marissa Lynne Conroy, Esq. argued for appellant. Chandra Appell, Deputy Attorney General, argued for respondent. Ms. Conroy replied. Cause submitted.

Court recessed at 10:12 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE

May 15, 2009 (Continued)

D052719 People v. Linton III

Cause called on merits. Libby Anne Ryan, Esq. argued for appellant. Jim Dutton, Deputy Attorney General, argued for respondent. Ms. Ryan replied. Cause submitted.

Court recessed at 1:43 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Alex McDonald.

D053205 In re Watson on Habeas Corpus

Matter called on merits. Steven Charles Sanders, Esq. argued for petitioner, telephonically. Kim Aarons, Deputy Attorney General, argued for respondent. Mr. Sanders replied. Matter submitted.

D052935 People v. Rivera

Cause called on merits. Richard De La Sota, Esq. argued for appellant. Susan Miller, Deputy Attorney General, argued for respondent. Cause submitted.

D054066 In re S. G., a Juvenile

Cause called on merits. Lisa Maldonado, Deputy County Counsel, argued for appellant. Christy Curtis Peterson, Esq. argued for respondent. Andrea St. Julian, Esq. argued for the minor. Ms. Maldonado replied. Cause submitted.

D053642 Perlan Therapeutics, Inc. v. Superior Court/Nexbio, Inc., et al.-RPI

Matter called on merits. Michael Kirby, Esq. argued for petitioner. Nancy L. Stagg, Esq. argued for real party in interest. Mr. Kirby replied. Matter submitted.

Court adjourned at 3:45 p.m.

D052930 People v. Northcutt

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

D053397 Gilliland v. Bradshaw

The trial court's April 10, 2008 judgment is affirmed. Bradshaw's appeal from the trial court's June 24, 2008 order is dismissed. Bradshaw is to bear costs on appeal. The matter is remanded to the trial court with directions to award Gilliland attorney fees incurred on appeal in an amount to be determined by the trial court. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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May 15, 2009 (Continued)

- D054167 People v. Jamar**
The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.
- D054029 People v. Allen**
The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.
- D054829 L.C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.
- D053270 People v. Sell**
D053222 In re Sell on Habeas Corpus
D053281 In re Sell on Habeas Corpus
(consolidated) The judgment is affirmed. The petitions for writs of habeas corpus are denied. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.
- D054662 Zachary B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The order dated January 27, 2009, setting the permanency plan section and implementation hearing under Welfare and Institutions code section 336.26, and the hearing scheduled June 22, 2009, are stayed until further order of this court.
- D052829 People v. Jones**
The judgment is affirmed. In light of inconsistencies in the record, the matter is remanded to the trial court to determine defendant's true name and, if necessary, to correct the abstract of judgment in that regard. Nares, J.; We Concur: McConnell, P.J., McIntyre, J.
- D055111 Nacif v. Superior Court of San Diego County/Accredited Home Lenders, Inc. et al.**
The petition for writ of mandate and request for stay have been read and considered by Justices Haller, McIntyre and Aaron. The petition is denied.
- D052811 People v. Ranscht**
The order of the trial court imposing mandatory sex offender registration on Ranscht under section 290, subdivision (c), is reversed. The matter is remanded for the superior court to exercise its discretion to determine whether to require Ranscht to register as a sex offender under section 290.006. McIntyre, J.; I Concur: McDonald, J.; I Dissent: Benke, Acting P.J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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May 15, 2009 (Continued)

D053348 Kaiser v. Simpson et al.

The judgment is affirmed. Respondent to recover costs on appeal. McIntyre, J.;
We Concur: McConnell, P.J., Nares, J.

D053630 In re Carrea, Jr., on Habeas Corpus

D051337 People v. Carrea, Jr.

The petition for writ of habeas corpus In re Christopher Carrea, Jr., D053630, is
consolidated with the pending appeal, People v. Christopher Carres, Jr., D051337.

D053630 In re Carrea, Jr., on Habeas Corpus

D051337 People v. Carrea, Jr.

(consolidated) The judgment is reversed only insofar as it provides appellant with presentence
credits; as to presentence credits the trial court is directed to determine on remand
the total number of days appellant was in custody, including days appellant was in
custody on the parole violation, and provide appellant with custody credits and
credits under section 4019 based on that determination. If there is any change in the
judgment, the trial court is directed to forward the judgment, as corrected, to the
Department of Corrections. In all other respects the judgment is affirmed. The
petition for writ of habeas corpus is denied. Benke, Acting P.J.;
I Concur: Nares, J.; I Concur in the Results: McIntyre, J.

D055074 In re DaCosta on Habeas Corpus

The petition for writ of habeas corpus In re DaCosta, D055074, will be considered
at the same time as the pending appeal People v. DaCosta, D053957.

D053732 San Diego County Health and Human Services Agency v. Amanda B.

The order of the trial court is reversed insofar as it denies Amanda's petition for
rehearing regarding her status as conservatee. On remand, the trial court shall
consider the petition on its merits and shall conduct further proceedings as may be
necessary. The portion of the trial court's order denying Amanda's request for
modification of her special disabilities is affirmed. Aaron, J.;
We Concur: Haller, Acting P.J., McIntyre, J.

D053342 In re Daniel M., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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D052831 People v. Bates, Jr.

The judgment of conviction is affirmed, and the case is remanded for the limited purpose of recalculating, in accordance with this opinion, Bates's credits for time served before sentencing. Benke, Acting P.J.; We Concur: Haller, J., Irion, J.

D054767 In re Pina on Habeas Corpus

The petition is denied.

D054030 Stewart v. A.P.T.S., Inc., et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.